

FROM :

FAX NO. : 2486446530

Apr. 14 2004 02:21PM P2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 14 2004

In Re Application of : Richard W. Kauppila

U.S. Serial No. : 10/728,183

Filed On : December 3, 2003

For : HIGH SPEED TURNOVER APPARATUS AND METHOD

Examiner : Not Assigned

Art Unit : 3652

Attorney Docket No. : KAU-109

OFFICIAL

PETITION TO CORRECT FILING DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to correct the filing date of the above-identified application.

Applicant receive an Official Filing Receipt mailed on March 4, 2004 in which a filing date of December 4, 2003 was given. Applicant mailed the application on December 3, 2003 by Express Mail with a duly signed Certificate of Express Mailing.

This application was deposited as Express Mail in an Express Mail pick up box in Birmingham, Michigan prior to the posted 5:00 p.m. pick up time, on December 3, 2003, as stated in the Certificate of Express Mailing filed in this application.

A Postal Service Express Mail label was applied to the package, with the Tracking Number EL720605645US imprinted thereon. The enclosed copy of an Express Mail Customer Copy from that label was later received in the mail. An Express Mail corporate account number was included on the preprinted form.

04/15/2004 TLUU11 00000007 10728183

01 FC:1460

130.00 00

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Apr. 14 2004 02:21PM P1

LAW OFFICES
JOHN R. BENEFIEL
PATENTS, TRADEMARKS AND COPYRIGHTS

JOHN R. BENEFIEL
JAMES P. MELOCHE
OF COUNSEL

280 DAINES STREET
SUITE 100 B
BIRMINGHAM, MICHIGAN 48009-6244
TELEPHONE (248) 644-1455
FACSIMILE (248) 644-6530
E-MAIL jbenefiel@sbcglobal.net

April 14, 2004

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OFFICIAL

TO: Mr. Paul Shanowski - Petitions Office

U.S. Patent and Trademark Office

FAX NO.: (703) 872-9306

SUBJECT: U.S. Serial No. 10/728,183

NUMBER OF PAGES: 9 (INCLUDING THIS PAGE)

FROM: Jack Benefiel

John R. Benefiel, Esq.
280 Daines Street
Suite 100 B
Birmingham, Michigan 48009-6244
Telephone: (248) 644-1455
Facsimile: (248) 644-6530

COMMENTS:

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APR 15 2004
OJPE/JCWS

The Customer Copy indicates, in a hand written entry, a time of acceptance of 1:37 a.m. on December 4, 2003.

This apparently led U.S. Patent and Trademark Office personnel to give the application a filing date of December 4, 2003.

However, the Official U.S. Postal Service official website indicates a time of acceptance of 10:00 p.m. December 3, 2003, and an en route time of 10:57 p.m. on December 3, 2003.

In addition, the attached copy of the undersigned attorney's U.S. Postal Service Express Mail corporate account mailing statement, indicates an Express Mail postage charge of \$13.65 was incurred on December 3, 2003 for EL720605645US.

Finally, enclosed is a copy of a letter obtained from the U.S. Postal Service which states that the December 3, 2003 was correct according to their records.

It is thus respectfully submitted that the hand entered time on December 4, 2003 was due to some irregularity or delay in handling of the application after acceptance by the U.S. Postal Service on December 3, 2003 and the application filing date of December 3, 2003 should be awarded.

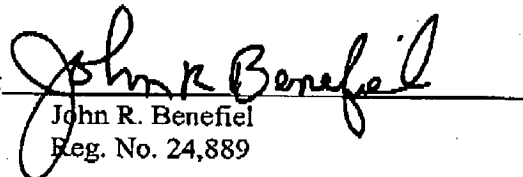
Favorable consideration is respectfully requested.

Attached is a Credit Card Payment Form for payment of the Petition fee due.

Respectfully submitted,

Date: April 14, 2004

By:


John R. Benefiel
Reg. No. 24,889

280 Daines Street, Suite 100 B
Birmingham, Michigan 48009
(248) 644-1455

FROM :

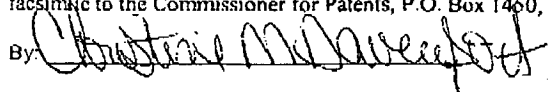
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Apr. 14 2004 02:22PM P4

CERTIFICATE OF FACSIMILE UNDER 37 CFR 1.8(a)

It is hereby certified that this correspondence, along with any items referred to as being attached or enclosed, is being sent via facsimile to the Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450, on April 14, 2004.

By:



FROM :

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Apr. 14 2004 02:22PM P5



POST OFFICE TO ADDRESSEE



EL 720605645 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 18042	Day of Delivery <input type="checkbox"/> First <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 12-4-03	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Time In AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 6.6 lbs.	Unit Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 13.65

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE

☐ WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday ☐ Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT

Express Mail Corporate Acct. No.

2480017

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE

JOHN H. GESSIEL
280 GAINES ST STE 100B
BIRMINGHAM AL 35203-5244

KAD-104

TO: (PLEASE PRINT)

PHONE

Comm. for Patent
PO Box 1430
Arlington VA 22313-4450
Attn: Patent Dept

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Customer Copy
Label 11-F August 2000

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INQUIRY, PLEASE NOTIFY POSTMASTER

Apr. 14 2004 02:23PM P6



UNITED STATES POSTAL SERVICE

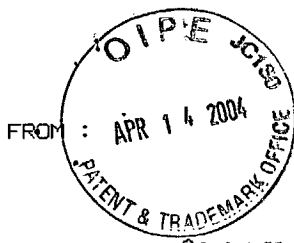
EXPRESS MAIL CORPORATE ACCOUNT
MAILING STATEMENT

PAGE: 1

ACCOUNT NO: 483912

PERIOD: 12/01/03 - 12/31/03

DATE	CHARGE BACK	LABEL NUMBER	ORIG ZIP	DEST ZIP	ADJ # REF #	POSTAGE	FEES		DEPOSITS	WITH-DRAWALS	CDA LEG
							PICKUP	DELIVERY			
BEGINNING BALANCE:						39.55					
12/03/03		EL720605637US	48242	22313		13.65					
12/03/03		EL720605645US	48242	22313		13.65					
12/16/03		EL720605711US	48012	22313		13.65					
12/20/03		EL720605835US	48012	22313		13.65					
12/23/03		EL720605813US	48012	22313		13.65					
12/23/03		EL720605827US	48012	22313		21.05					
12/23/03		EL720605844US	48012	22313		21.05					
SUB-TOTAL:						110.35					
(A) TOTAL CHARGES :						110.35	0.00	0.00			
(B) TOTAL ADJUSTMENTS (\$):						0.00	0.00	0.00			
(C) TOTAL REFUNDS (\$):						0.00	0.00	0.00			
TOTAL (A + B - C):						110.35	0.00	0.00			
12/22/03	DEPOSIT								217.50		
ENDING BALANCE:						146.70					



FROM : APR 14 2004

FAX NO. : 2486446530

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CONSUMER AFFAIRS AND CLAIMS



April 8, 2004

John R. Benefiel
280 Daines St.
Birmingham, MI 48009-6244

Dear Mr. Benefiel:

This response is to your inquiry regarding Express Mail articles EL720605645US and EL720605637US.

Our records indicate that the Express Mail articles were accepted or picked up in Detroit, Michigan at 10:00 p.m. on December 3, 2003. Enclosed is the acceptance and delivery information from our Product Tracking System (PTS). This information is available on our website, usps.com, in the Track and Confirm section.

If you need additional assistance with this matter, please feel free to call me at (248) 546-1311.

Sincerely,

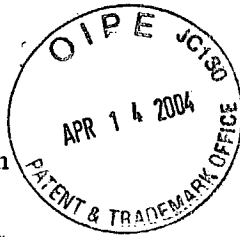
Lisa D. Riebel
Consumer Affairs Associate
Royal Oak District

Reference: CA13497402

Enclosure

FROM :

USPS - Track & Confirm



FAX NO. : 2486446530

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Track & Confirm

Shipment Details

You entered EL72 0605 645U S

Your item was delivered at 11:25 am on December 05, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

Here is what happened earlier:

- ARRIVAL AT UNIT, December 05, 2003, 8:19 am, DULLES, VA 20102
- ENROUTE, December 03, 2003, 10:57 pm, DETROIT, MI 48242
- ACCEPTANCE, December 03, 2003, 10:00 pm, DETROIT, MI 48242

Notification Options

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